

Atty. Dkt. No. 00CR063/KE

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REMARKS

This Reply is intended to be completely responsive to the final Office Action mailed March 12, 2007. Applicant respectfully requests reconsideration of the present Application in view of the following remarks. Claims 1-30 are currently pending in the Application.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier for each.

Response to Amendment

On pages 2-4 of the Office Action, the Examiner indicated that the declaration filed on September 27, 2006 was "ineffective to overcome the Conrad reference." In particular, the Examiner indicated that "the evidence submitted is insufficient to establish a reduction to practice of the invention in this country . . . prior to the effective date of the Conrad reference," that "the evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Conrad reference," and that "the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Conrad reference to either a constructive reduction to practice or an actual reduction to practice."

As detailed below, a supplemental Declaration by the inventor pursuant to 37 C.F.R. § 1.131 has been provided herewith. The supplemental Declaration establishes that the subject matter set forth in Claims 1-30 of the present Application was conceived and actually reduced to practice in the United States prior to the effective date of Conrad et al. As such, Conrad et al. is not available as prior art against Claims 1-30 of the present Application. Applicant notes that since the supplemental Declaration, in combination with the Declaration filed on September 27, 2006, establish an actual reduction to practice that is before the effective date of Conrad et al., that a showing of diligence is not required. Nevertheless, Applicant has included statements and documents in the supplemental Declaration establishing diligence from a date before the

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effective date of Conrad et al. to the filing of the present Application on January 28, 2000 (i.e., a constructive reduction to practice).

Claim Rejections – 35 U.S.C. § 103(a)

On pages 3-7 of the Office Action, Claims 1-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Conrad et al. (U.S. Patent No. 6,810,527) in view of Podowski et al. (U.S. Patent No. 5,524,272).

Applicant respectfully traverses this rejection. Specifically, Applicant submits that Conrad et al. is not available as a prior art reference against the claims of the present Application.

A supplemental Declaration by the inventor pursuant to 37 C.F.R. § 1.131 has been provided herewith which provides, in combination with the Declaration filed on September 27, 2006, evidence that the subject matter recited in Claims 1-30 was conceived and actually reduced to practice prior to the filing date of Conrad et al. Specifically, the supplemental Declaration, in combination with the Declaration filed on September 27, 2006, includes statements of fact establishing that the subject matter recited in Claims 1-30 was conceived and actually reduced to practice prior to September 27, 1999.

Exhibit A (11 pages) attached to the Declaration is a redacted copy of pages from a document establishing conception of the subject matter recited in Claims 1-30 prior to the September 27, 1999 filing date of Conrad et al. Exhibit A discloses the subject recited in Claims 1-30 of the present Application. Applicant respectfully submits that this document, in combination with the factual statements in the supplemental Declaration and the Declaration filed on September 27, 2006, provide the facts necessary to establish conception of the subject matter recited in Claims 1-30 of the present Application.

Exhibit B (3 pages) attached to the Declaration is a redacted copy of pages from a document establishing actual reduction to practice of the subject matter recited in Claims 1-30 prior to the September 27, 1999 filing date of Conrad et al. Exhibit B shows that the subject

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matter recited in Claims 1-30 of the present Application actually existed and worked for its intended purpose prior to the effective date of Conrad et al. Applicant respectfully submits that this document, in combination with the factual statements in the supplemental Declaration and the Declaration filed on September 27, 2006, provide the facts necessary to prove actual reduction to practice of the subject matter recited in Claims 1-30 of the present Application. The subject matter recited in Claims 1-30 of the present Application was actually reduced to practice because a model of a communication and video system (as claimed) was built and shown to work for its intended purpose.

Exhibits A and B are redacted to remove certain proprietary information and certain dates relating to conception. The actual dates are not necessary because the Declaration by the inventor states "Each of the dates deleted from Exhibits A and B is prior to September 27, 1999," (the effective date of Conrad et al.). Referring to the MPEP, "[i]f the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration . . . if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date" (See MPEP § 715.07, subsection "Establishment of Dates").

Accordingly, in view of the supplemental Declaration, in combination with the Declaration filed on September 27, 2006, the rejections of Claims 1-30 should be withdrawn, because Conrad et al. is not available as prior art against such claims. Reconsideration and withdrawal of the rejections of Claims 1-30 under 35 U.S.C. § 103(a) is therefore respectfully requested.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicant requests consideration and allowance of all pending Claims 1-30.

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Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 18-1722.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

Date 7/12/07

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